



**STATE OF ILLINOIS**  
**HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF:**

**JAMES SANTOS,**

**Complainant,**

**and**

**1<sup>ST</sup> CHOICE FREIGHT SYSTEMS, INC.,**

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**CHARGE: 2000CF0760**

**EEOC: 21BA00104**

**ALS NO: 11376**

**Respondent.**

**RECOMMENDED ORDER AND DECISION**

On September 19, 2000, the Illinois Department of Human Rights (Department) filed a complaint on behalf of Complainant, James Santos. That complaint alleged that Respondents, 1<sup>st</sup> Choice Freight Systems, Inc. (1<sup>st</sup> Choice), discriminated against him on the basis of ancestry and national origin.

**FINDINGS OF FACT**

The following findings of fact are based upon the case file in this matter.

1. The original public hearing date in this matter was November 14, 2000.
2. On November 14, 2000, this matter was continued to November 29, 2000 for a status hearing. Respondent appeared, Complainant did not appear. Respondent served a copy of the order on Complainant.
3. On November 29, 2000, this matter was continued to December 14, 2000 for a status hearing. Respondent appeared, Complainant did not appear. Respondent served a copy of the order on Complainant.

4. On December 14, 2000, Respondent was granted leave to file a Motion to Dismiss for Want of Prosecution and that motion was set for hearing on January 4, 2001. Respondent appeared, Complainant did not appear. Respondent served a copy of the order on Complainant.
5. On January 4, 2001, Respondent's Motion to Dismiss for Want of Prosecution was denied because Complainant appeared.
6. On June 20, 2001, a hearing was held pursuant to Respondent's Motion to Compel. Again, Respondent appeared and Complainant did not appear. Respondent was given leave to file a second Motion to Dismiss for Want of Prosecution, to be heard on July 16, 2001. Respondent served a copy of the order on Complainant.
7. On July 16, 2001, Respondent appeared, Complainant did not appear.

#### CONCLUSIONS OF LAW

1. Complainant's failure to appear at scheduled hearings or comply with Commission orders, or to make any attempt to explain those failures, has unreasonably delayed the proceedings in this case.
2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

#### DISCUSSION

The instant Motion to Dismiss was served on the Complainant and the Department. Complainant, James Santos, has taken virtually no action to

prosecute this matter since the complaint was filed by the Department of Human Rights. He failed to appear at all scheduled hearings except for the date on which Respondent's first Motion to Dismiss was scheduled to be heard, despite being served with notice. None of these failures on the part of the Complainant have been explained. Complainant's continued inaction has unreasonably delayed proceedings in this matter.

It appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss the claim with prejudice. See, Leonard and Solid Matter, Inc., \_\_ Ill. HRC Rep. \_\_, (1989CN 3091, August 25, 1992).

#### RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter; it appears that he has abandoned his claim. Accordingly, it is recommended that this case be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

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BY:  
WILLIAM H. HALL  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: July 18, 2001